



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,286	08/31/2000	Takehiro Kaminagayoshi	397.15.01	4293

22242 7590 11/06/2002

FITCH EVEN TABIN AND FLANNERY  
120 SOUTH LA SALLE STREET  
SUITE 1600  
CHICAGO, IL 60603-3406

EXAMINER

GOOD JOHNSON, MOTILEWA

ART UNIT PAPER NUMBER

2672

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/653,286

Applicant(s)

KAMINAGAYOSHI ET AL.

Examiner

Motilewa A. Good-Johnson

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

1. This office action is responsive to the following communications: Application, filed on 08/31/2000; IDS, filed on 10/07/2002.
2. Claims 1-12 are pending in this application. Claims 1, 6, 7 and 12 are independent claims. No claims have yet been amended.
3. The present title of the application is "Entertainment System, Entertainment Apparatus, Recording Medium, and Program" (as originally filed).

***Priority***

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Specification***

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Color Coded Display Messages".

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al., U.S. Patent Number 6,434,604, "Chat System Allows User to Select Balloon form and Background Color for Displaying Chat Statement Data", class 709/207.

As per independent claim 1, an entertainment system comprising: an entertainment apparatus for executing various programs; at least one manual controller for inputting a manual control request . . . ; a display monitor for displaying an image . . . ; and message display means for displaying a message . . . in a same color. Harada discloses a display for displaying messages to in a balloon form and color specified by the user and retrieving color information to display in the message displaying unit corresponding to the user ID, col. 2, lines 3-61. However, it is noted that Harada fails to disclose words of a same type in same color. It would have been obvious to one of ordinary skill in the art at the time of the invention to include as a part of the color ID table disclosed in Harada, words and words with the same meaning in the same color to provide expression related to words conveying feelings or intentions in the message being displayed for added emphasis on certain words in displayed message statements.

With respect to dependent claim 2, message data to be processed by said message displaying means comprises a plurality of combinations . . . and a display color code . . . Harada discloses a color table with a user ID to retrieve messages from a user in color in a color table in the message displaying unit, col. 4, lines 3-19. However, it is noted that Harada fails to disclose words of a same type in same color. It

would have been obvious to one of ordinary skill in the art at the time of the invention to include as a part of the color ID table disclosed in Harada, words and words with the same meaning in the same color to provide expression about the messages being displayed.

With respect to dependent claim 3, message determining means comprises display a color code setting means . . . Harada discloses a color code for a message displaying unit. Harada discloses a user ID and dividing the message into a statement, and retrieving a color table based on a user ID, col. 4, lines 9-15.

With respect to dependent claim 4, Harada discloses message frames displaying a message, figures 9 and 10.

With respect to dependent claim 5, Harada discloses calculating a position of the displaying the statements based upon the screen position and display positions, col. 4, lines 20-30.

As per independent claim 6, Harada discloses a display for displaying messages to in a balloon form and color specified by the user and retrieving color information to display in the message displaying unit corresponding to the user ID, col. 2, lines 3-61. However, it is noted that Harada fails to disclose words of a same type in same color. It would have been obvious to one of ordinary skill in the art at the time of the invention to include as a part of the color ID table disclosed in Harada, words and words with the same meaning in the same color to provide expression about the messages being displayed.

As per independent claim 7, it is rejected based upon similar rational as above independent claim 1.

With respect to dependent claims 8-11, they are rejected based upon similar rational as above dependent claims 2-5.

As per independent claim 12, it is rejected based upon similar rational as above independent claim 6.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,424,744	Miyatake et al.	382/190	07/2002	01/2001
-----------	-----------------	---------	---------	---------

Video retrieval method and apparatus.

5,736,982	Suzuki et al.	345/706	04/1998
-----------	---------------	---------	---------

Virtual space apparatus with avatars and speech.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa A. Good-Johnson whose telephone number is (703) 305-3939. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (703) 305-4713. The fax phone numbers

Art Unit: 2672

for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Motilewa A. Good-Johnson  
Examiner  
Art Unit 2672

mgj  
November 4, 2002

A handwritten signature in black ink, appearing to read 'M. Razavi', with a long horizontal line extending to the right.

**MICHAEL RAZAVI**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**